

Remarks

In paragraph 2 of the final office action the Examiner rejects all the independent claims (1, 16 and 21) as being unpatentable over Hirota in view of Busardo and further in view of Sakamoto. Reconsideration is respectfully requested for the following reasons.

The independent claims are amended to specify that in use intonation comprising rise and fall in pitch is produced. Support for this amendment is found in the specification on page 7 lines 21-22. It is respectfully submitted that none of the cited references describes the claimed step (ii) of accessing a template comprising a sequence of fields.... said template comprising information about the manner in which a sequence of alphanumeric characters is to be played such that in use intonation comprising rise and fall in pitch is produced. Because none of the cited references teach this feature the skilled person would not have been able to reach the present invention as claimed by combining those references.

The Examiner had argued that Hirota taught this feature. However as acknowledged by the Examiner Hirota only mentions "reading" alphanumeric portions in a monotone manner (column 6 lines 45-47) and this does not involve a rise and fall in pitch. The Examiner's arguments also indicate that it is accepted that Busardo does not teach templates with the claimed feature mentioned above and Sakamoto does not mention templates at all.

In addition none of the cited references describe the claimed feature of (iv) ... selecting a fragment on the basis of the accessed template. The Examiner argues that Hirota teaches this feature by arguing that Figure 4 of Hirota is a template and that "en el falv falv ou" are selected on the basis of the template (see column 6 lines 43-47). However this is not the case because "en el falv falv ou" are not fragments as claimed. As specified in the independent claims fragments are recordings of

spoken alphanumeric characters including a plurality of recordings of the same alphanumeric character as spoken at different locations within an utterance. The Examiner accepts that Hirota does not teach fragments in this way and instead relies on Sakamoto for this feature. However, Sakamoto is not concerned with templates and selecting fragments on the basis of an accessed template.

Thus even if the skilled person were to have combined the cited references he or she would not have found all the features of the claimed invention.

Furthermore it is submitted that the skilled person would have had no motivation to combine Sakamoto with any of the other cited references. This is because Sakamoto appears to describe a complete working system for generating artificial spoken clock times in a manner that gives some degree of intonation but without the use of templates as in the claimed invention. Thus the skilled person would not have been directed or motivated to modify Sakamoto. In addition, because Hirota and Busardo are not concerned with producing intonation comprising rise and fall in pitch, the skilled person would not have had any reason to consider those in conjunction with Sakamoto which already teaches a system for giving some degree of intonation. Also, the fact that the Examiner argues the skilled person would have needed to find features from three separate citations is in itself an indication that invention is involved because of the complexity, skill, effort and judgment needed to combine features from three independent references. It is respectfully submitted that such combination requires the use of hindsight, since there is no motivation or suggestion for the asserted combination.

For those reasons it is respectfully submitted that the independent claims are allowable as are the dependent claims by virtue of their dependency. Arguments about all the individual claims have not been presented but the Examiner's rejections are traversed.

Applicants respectfully bring to the Examiner's attention MPEP § 706.07(a) which states:

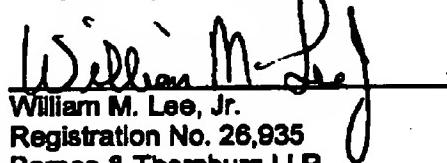
Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by the applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicants respectfully submit that the Examiner erroneously made the action final, given that the Examiner introduced a new ground of rejection based on a new reference, namely Sakamoto. Thus the Applicants request that the finality of the action be withdrawn and this response be fully considered.

Favorable reconsideration is urged.

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Respectfully submitted,



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